

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,323	06/22/2001	E. Vincent Wood	20177-11 US	7211

4859 7590 07/15/2005

MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

EXAMINER

OUELLETTE, JONATHAN P

ART UNIT	PAPER NUMBER
----------	--------------

3629

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/888,323	WOOD ET AL.	
	Examiner	Art Unit	
	Jonathan Ouellette	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 5/5/2005 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/888,323 is acceptable and a RCE has been established. An action on the RCE follows.

Response to Amendment

2. Claims 1-36 have been cancelled and Claims 37-56 have been added; therefore, Claims 37-56 are pending in application 09/888,323.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. **Claims 37-56 are rejected under 35 U.S.C. 103(a) as being anticipated by Boe et al. (US 6,236,975 B1).**
5. As per **independent Claim 37**, Boe discloses a method for determining personality type to facilitate the delivery of personality products, advice, or services (abstract, target marketing) comprising the steps of: a. providing a computer system including a database of a plurality of

Art Unit: 3629

personality related tests and questions (Figs.1-2, C9 L49-67, survey options and goals); b. providing remote access (network) to the system (survey system) to a third party administrator (business system) utilizing an administrator computer; d. the administrator, via the remote access, selecting ones of the tests and questions in the database to be presented to the individual user (C3 L15-22, C4 L30-38); e. providing remote access to the system to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information (business ID) provided by the administrator computer (C8 L32-67, customer ID and business ID); f. providing to the user computer via the remote access the tests and questions selected by the administrator and collecting data from the individual user via the remote access including results of the tests and responses to the questions and storing the data in the database (C3 L22-35, C9 L49-67); g. comparing the test results and the question responses of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and determining a personality type of the individual user from the characteristic data (C4 L48-53, Matching Server/Matching Database); h. the administrator viewing the test results and question responses of the individual user (C3 L35-43, C4 L48-53, Business Report from Survey System); and i. The administrator matching the personality type of the individual user with a corresponding product, advice, or service, on the basis of the test results and questions responses (C3 L35-43, Target Marketing; Fig.6B, C7 L40-47, Action on the Business Report Generator).

6. Boe fails to expressly disclose collecting from the administrator computer, via remote access,

Art Unit: 3629

identifying information related to an individual user.

7. However, Boe discloses wherein the business system and survey system are in direct communication with each other regarding business specific details (C4 L30-38).
8. Furthermore, Boe also discloses collecting identifying information from the user, verifying the information, creating a customer identification number and sending it to the customer/user; whereby, the customer uses the customer ID number and business ID number to access the survey system; all for the purpose of ensuring user anonymity (Fig.3, C8 L32-67).
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the business system to transmit customer identity information directly to the survey system once collected from the customer, for the purpose of increasing efficiency of the system by saving process steps and saving resources by eliminating the user anonymity protection feature.
10. As per Claim 38, Boe discloses wherein said step f. includes administering at least one of a personality test (survey for financial personality), a scenario-based test (what-IF) and a roll play-based test to the individual user to obtain the test results (C18 L21-27).
11. As per Claim 39, Boe discloses wherein said step f. includes collecting at least one of *demographic data*, psychographic data, quality of life data, life style data, *behavior data*, and declared preferences data from the individual user to obtain the question responses (C18 L21-27).
12. As per Claim 40, Boe discloses wherein said behavior data includes *at least one of* provided *behavior data* (survey questions) and observed behavior data (C18 L21-27).

Art Unit: 3629

13. As per Claim 41, Boe discloses selecting from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user during said step c. based upon data previously collected from the identified user (C6 L9-29)
14. As per Claim 42, Boe discloses selecting a presentation medium for each of the questions and test to be presented to the individual user (C4 L30-38, business customized surveys; Choice of communication connection, C3 L44-67).
15. As per Claim 43, Boe discloses performing said step g. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (C18 L12-39, all data and demographic only; C4 L64-67, characterizes customer).
16. As per Claim 44, Boe discloses performing step g. by selecting one of a plurality of scoring methods for scoring the results of the tests (C18 L12-39, analysis report type - all data and/or demographic only).
17. As per Claim 45, Boe discloses performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (C6 L58-67, demographic profile).
18. As per Claim 46, Boe discloses performing said step e. by obtaining context data from the individual user and matching the individual user with the product, advice or service associated with the individual user personality type and context data (C6 L47-67).
19. As per Claim 47, Boe discloses after performing said step g. advising the individual user of the determined personality type (C11 L53-67), obtaining feedback data from the individual user (C13 L8-19, customer adjusts graphic parameters in "what if" stage) and performing

Art Unit: 3629

again said step d. including the feedback data in the comparison with the test results and the question responses (C13 L8-58, what if analysis and graphic display).

20. As per Claim 48, Boe discloses after performing said step g. advising the individual user of a characteristic represented by the characteristic data, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the question responses (C13 L8-58, what if analysis and graphic display).
21. As per Claim 49, Boe discloses performing said step e. by assigning to the individual user a password selected by the administrator (C8 L60-67, Encrypted User ID).
22. As per Claim 50, Boe discloses performing said step f. by presenting a series of questions to the individual user, at least one of the questions being selected based upon a response of the individual user to a previous question in the series of questions (C15 L41-46).
23. As per Claim 51, Boe discloses performing said step g. advising the individual user of the determined personality type, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the question responses, said step g. being performed by selecting one of a plurality of classification systems (survey type) based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (C13 L8-58, what if analysis and graphic display).
24. As per Claim 52, Boe discloses advising the individual user of the determined personality type, obtaining feedback data from the individual user, utilizing the feedback data to change

Art Unit: 3629

at least one of a scoring method for scoring the results of the tests and the personality type, and performing again step g (C13 L8-58, what if analysis and graphic display).

25. As per Claim 53, Boe discloses advising the individual user of the determined personality type, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the questions responses, and performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (C13 L8-58, what if analysis and graphic display).
26. As per Claim 54, Boe discloses performing said step f. by selecting an order of presentation of questions to the individual user (C4 L30-48, business survey customization – *series* of survey questions previously chosen by the business).
27. As per Claim 55, Boe discloses performing steps c. through i. for a plurality of the individual users associates as a group (C4 L48-53, numerous customers).
28. As per Claim 56, Boe discloses wherein said step g. includes scoring the results of the tests (C18 L12-67, analysis of survey results to statistically predict the possibility of purchase).

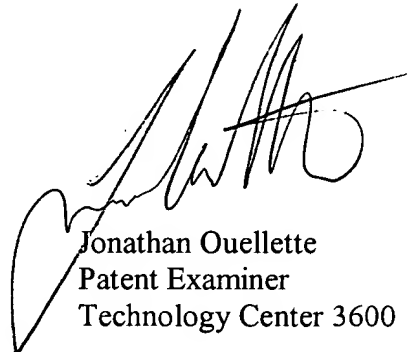
Response to Arguments

29. Applicant's arguments filed 5/5/2005, regarding Claims 37-56, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
31. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
32. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

July 13, 2005



Jonathan Ouellette
Patent Examiner
Technology Center 3600